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February 11, 2008

VIA ELECTRONIC FILING

Honorable Wayne D. Brazil
United States District Judge
1301 Clay Street, 3rd Floor
Oakland, CA 94612

Re: United States v. Francisco Javier Gutierrez-Torres; CR 08-0046 CW

Dear Judge Brazil:

Defendant Francisco Javier Gutierrez-Torres was placed on Your Honor's calendar for an arraignment on February 29, 2008 pursuant to a writ. In the interim, I have been advised that the defendant was released from state custody and immediately deported by Immigration and Customs Enforcement. Consequently, the defendant is not in the government's custody, and is not permitted to return to the United States. Accordingly, the government requests that the February 29, 2008 hearing be taken off calendar.

Very truly yours,

JOSEPH P. RUSSONIELLO
United States Attorney

By: /s/
CHINHAYI J. COLEMAN
Assistant United States Attorney